

Application Number 10/536,970
Amendment dated February 23, 2009
In Reply to Office Action dated November 21, 2008

REMARKS

This response is submitted under 37 C.F.R. § 1.111 to the Office Action of November 21, 2008.

Claims 1 to 16 are pending in this application. Claims 1, 3, 4 and 6 are amended. Claims 7 through 16 are canceled. Claims 17 through 28 are new. No new matter is added.

No fee is due. However, should a fee be due, it may be charged to Deposit Account Number 12-1210.

1. Rejection Under 35 U.S.C. § 102(b)

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Togi et al. (U.S. Patent Number 5,272,855). The Applicants traverse this rejection and request reconsideration.

Togi et al. disclose a process and apparatus for manufacturing a fluid container. Togi et al. disclose inserting a plastic film into a container. (Togi et al., Figures 9 through 11.)

The invention of Togi et al. is unlike the Applicants' invention. The folding in Togi et al. relates to the preparation of the container, not the tubular plastic "film b." (Togi et al., Figures 9 through 11, and Specification, column 5 at line 1 through column 6 at line 58.) The film of Togi et al. is inserted through an upper opening of the container much larger than the Applicants' claimed aperture. The film is not inserted into the container of Togi et al. as a bag. Instead, a bag is formed after the insertion of the film into the container. (Togi et al., column 6 at lines 21 through 30.)

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The Togi et al. disclosure does not relate to the Applicants' invention. Equating the invention of Togi et al. to the Applicants' invention would require the Applicants to fold the container itself. The Applicants are not folding a container or a film. Rather, they are folding a bag to insert within a container. The film of Togi et al. is inserted through a large opening into a container. The film does not comprise any seam before the insertion into the container. Therefore, there is no concern of weakening a seam in Togi et al., as none is present.

The Applicants amended claim 1 to include a first folding of the bag about a first fold line, a second folding about a second fold line, and a third folding about a third fold line. The second and third fold lines are parallel to each other and perpendicular to the first fold line. (Specification, page 6 at lines 7 through 15, Figures 4 through 7, Amended Claim 1.) The method of inserting the bag as described in the Applicants' amended claim 1 improves the wear resistance of the seam when installing the bag into the container and removing it from the container. The Applicants' method of inserting the bag reduces tension strength on the folded bag. The presence and orientation of the folded lines on the bag cooperate to improve the resistance of the bag when inserted into the container. The fold lines reduce the exposition of the seams during the insertion of the bag into the container thereby preserving them.

Togi et al. do not disclose a method of inserting a bag into a container, much less a method of inserting a bag into a container according to the Applicants' amended claim 1. Specifically, Togi et al. do not disclose folding the bag into overlapping panels having a bag cross-sectional area able to pass through the aperture cross-sectional area and inserting the

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folded bag through the aperture into the container. Further, Togi et al. do not disclose folding a first folding of the bag about a first fold line, a second folding about a second fold line, and a third folding about a third fold line. The second and third fold lines are parallel to each other and perpendicular to the first fold line. Claims 2, 4, and 5 are dependent on claim 1. Therefore, the Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b).

2. Rejection Under 35 U.S.C. § 103(a)

Claims 3 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Togi et al. (U.S. Patent Number 5,272,855) in view of Krueger et al. (U.S. Patent Number 6,132,350). The Applicants traverse this rejection and request reconsideration.

The Examiner states that Togi et al. do not disclose drawing a vacuum from the container to cause the bag to unfold towards the walls of the container. As above, Togi et al. do not disclose folding the bag into overlapping panels having a bag cross-sectional area able to pass through the aperture cross-sectional area and inserting the folded bag through the aperture into the container. Further, Togi et al. do not disclose a first folding of the bag about a first fold line, a second folding about a second fold line, and a third folding about a third fold line wherein the second and third fold lines are parallel to each other and perpendicular to the first fold line.

The Examiner cites to Krueger et al. for the purpose of supplementing the deficiencies of Togi et al. Krueger et al. disclose a bag-type liner having a leading sealed, and a trailing unsealed, end that is fed along a predetermined liner path. The trailing unsealed end is suspended above the container. A plurality of clamps grab the sides of the bag at the unsealed

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end and separate the unsealed end by pulling the sides apart. A vacuum is then activated to draw air out of the container, drawing the wall of the liner material against the interior surface of the container, thereby fully opening the liner in the container. (Krueger et al., Abstract.)

Krueger et al. do not disclose or suggest the elements of claims 3 and 6. Claims 3 and 6 are dependent on claims 1 and 4, respectively. Krueger et al. do not teach or suggest folding the bag into overlapping panels having a bag cross-sectional area able to pass through the aperture cross-sectional area and inserting the folded bag through the aperture into the container. Further, Krueger et al. do not disclose or suggest a first folding of the bag about a first fold line, a second folding about a second fold line, and a third folding about a third fold line wherein the second and third fold lines are parallel to each other and perpendicular to the first fold line.

Togi et al. and Krueger et al., alone or in combination, do not teach or suggest the elements of claims 3 and 6. The Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

New claim 17 further includes that the bag comprises a bag aperture to which an open neck is welded. Neither Togi et al. or Krueger et al., alone or in combination teach or suggest the welding of an open neck to a bag aperture. Claims 18 through 28 are either directly or indirectly dependent on claim 17. Therefore, new claims 17 through 28 are nonobvious in view of Togi et al. and Krueger et al., alone or in combination.

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In view of the foregoing, it is submitted that this application is now in condition for allowance, and favorable consideration of the application is respectfully requested.

Respectfully submitted,

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